

## **Meeting of the Council – 19<sup>th</sup> July 2010**

### **Report of the Licensing and Safety Committee**

#### **Amendment of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982**

##### **Purpose of Report**

1. To consider the recommendations of the Licensing Safety Committee on the adoption of the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 - Regulation of Lap-Dancing and other Sexual Entertainments.

##### **Background**

2. Currently Lap Dancing and like entertainment are regulated by the Licensing Act 2003. There are two lap dancing clubs licensed in the Borough - The Bandit Queen Gentlemen's Club, 93 King Street, Dudley and Heaven Night Club, Old Savoy Buildings, Lower High Street, Stourbridge.
3. On the 15<sup>th</sup> of September 1982 the Council adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, to enable the Council to licence 'sex cinemas' and 'sex shops' collectively known as 'sex establishments'.
4. On the 6<sup>th</sup> of April 2010 Section 27 of the Police and Crime Act 2009 came into force. This section reclassifies lap dancing clubs as sexual entertainment venues and gives Local Authorities in England and Wales the power to regulate such venues as sex establishments under an amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. These powers will only apply where a Council makes a further resolution to adopt the amended schedule 3 to the 1982 Act.
5. If Sexual Entertainment Venues wish to sell alcohol and carry on other licensable activities they will require both a licence under the above provisions and a Premises Licence under the Licensing Act 2003.
6. If the Council pass a resolution that the amended Schedule 3 to the 1982 Act will come into force in the Borough there will be a transitional period lasting 12 months.

7. The two premises in the Borough that are currently providing sexual entertainment under the Licensing Act 2003 are allowed to continue to provide relevant entertainment until the determination of any application they have submitted
8. Licences for sex establishments can be granted for up to one year and licence conditions and restrictions may be imposed on the licence specific to that licence or standard conditions applicable to all sex establishments.
9. Under the amended schedule the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality. Nil may be the appropriate number.
10. At its meeting of the 27<sup>th</sup> May 2010 the Licensing and Safety Committee resolved that the Council be recommend to agree to the adoption with effect from the 1<sup>st</sup> of September 2010, of the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982, as a consequence of the coming into force of Section 27 of the Police and Crime Act, 2009 on the 6<sup>th</sup> of April 2010, giving local authorities in England and Wales the power to regulate sexual entertainments venues as sex establishments and the Director of Corporate Resources be authorised to agree any consequential amendments to the Constitution and arrangements for the publication of the required notices to bring this matter into effect. It was also resolved that following consultation with interested parties regarding the appropriateness of sex establishments in particular localities and on clarification of the fee to be charged, there should be a special meeting of the Licensing and Safety Committee to consider these issues.
11. The special meeting of the Licensing and Safety Committee was held on the 5<sup>th</sup> July, 2010, when the Committee determined the fee to be charged for a sex establishments licence as £3810.00 and also determined the procedure for dealing with new applications.
12. This report has a direct link to the Council's priority for safety as the principal for submission is safeguarding the public.

### **Finance**

13. There are no financial implications for the Council. The proposed fee will cover the costs of a licence for a Sex Establishments.

### **Law**

14. Section 27 of the Police and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities power such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

15. If the Council wish to licence Lap Dancing Clubs as sexual entertainment venues they must pass a resolution that the amendments made by section 27 of the Police and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to the Borough of Dudley on a date of more than one month after the day on which the resolution was passed.
16. The Council must publish a notice that it has passed a resolution to adopt the amendments made by Section 27 paragraph 2(2) to the Police and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the Borough. The notice shall state the general effect of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

### **Equality Impact**

17. This report takes into account the Council's policy on equality and diversity.
18. The licensing of premises for sexual establishments will not impact on children and young people as they will be unable to attend these premises.
19. There has been no consultation or involvement of children and young people in developing these proposals.

### **Recommendation**

20. That the Council be recommended:
  - To adopt the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1 to take effect from the 1<sup>st</sup> of September 2010, as set out in paragraph 10 of this report.
  - That the Director of Corporate Resources be authorised to agree any consequential amendments to the Constitution and arrangements for the publication of the required notices to bring this into effect



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**Chairman of the Licensing and Safety Committee**